



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **2 October 2013**

**Country:** Republic of Moldova

**Description of the assignment:** International Consultant on legal framework for inland transport of dangerous goods

**Project name:** Building Institutional Capacity of the Ministry of Foreign Affairs and European Integration

**Period of assignment/services:** October - December 2013

Proposals should be submitted online by pressing the "Apply Now" button no later than 13 October 2013.

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: [traian.turcanu@undp.org](mailto:traian.turcanu@undp.org). UNDP will respond by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all applicants.

### 1. BACKGROUND

Relations between the Republic of Moldova (RM) and the European Union (EU) formally started with the signing of the Partnership and Cooperation Agreement (PCA) in 1994 that entered into force in 1998. The PCA established the basic principles of cooperation between RM and EU and was designed for a 10 year period. With the formal expiration of the term in 2008, the validity of the Agreement is being extended automatically provided none of the parties requests formal cancellation. PCA constitutes the framework of relations between RM and EU.

In 2005, in the context of the new European Neighborhood Policy, RM and EU signed an EU-Moldova Action Plan (EUMAP) for a period of 3 years, which included a series of actions aiming at deepening the cooperation between the two parties. In February 2008, upon the conclusion of the Action Plan implementation period, the European Council adopted a decision expressing the readiness to initiate new negotiations with the RM with the goal of signing a new agreement.

In parallel with the Action Plan, Moldova has signed with the EU a Visa Facilitation Agreement, and received a preferential trade regime (Autonomous Trade Preferences) with the EU for a majority of the goods produced in Moldova.

Since 2010, RM has been successfully carrying out negotiations with EU for an Association Agreement (AA) and has undertaken concrete steps towards a deeper relationship with the EU.

On 5 December 2011, EU decided to launch negotiations on a Deep and Comprehensive Free Trade Area (DCFTA) with Moldova, with the purpose of boosting economic growth and investment within its Eastern European partner. These negotiations tackled a broad range of trade and economic issues in order to ensure a closer economic integration with the EU for Moldova. DCFTA will be part of the AA, which strives, also in line with the EU's Eastern Partnership objectives, to closely associate Moldova to the

European Union in both economic and political dimensions.

The EU and the RM successfully held the final round of negotiations on a DCFTA in June 2013. The DCFTA consists of 14 chapters; it will provide for a significantly improved mutual access for European and Moldovan goods and services. It will ensure an open, stable and predictable legal environment for the benefit of Moldovan businesses and consumers. The DCFTA will improve the trade opportunities between EU and Moldova and enhance prosperity of both economies.

The Project “Building Institutional Capacity of the Ministry of Foreign Affairs and European Integration (MFAEI)” aims at strengthening the institutional capacity of the MFAEI as lead institution in the AA negotiation process. In the same context, the Project seeks to contribute to developing EU integration capacities of key line ministries, including the Moldovan Ministry of Transport and Road Infrastructure (MTRI). The immediate focus is currently the post-negotiation and implementation phases of the AA.

One of the priority issues agreed during the negotiations has been inland transport of dangerous goods. In the EU, the main objective of legislation covering inland transport of dangerous goods is to reduce the risk associated with this activity and take measures to ensure that such transport is carried out under the best possible conditions of safety. Regulating also is in line with international standards and obligations. Alignment to the EU standards in inland transport of dangerous goods is a priority for the MTRI. It aims at transposing and implementing relevant specific rules covering road, rail and inland waterways transport of dangerous goods and ensuring that the regulation which, according to the international Conventions and Agreements, is applied for international transport is also extended to national transport. This will ensure transportation and environmental safety conditions for the Moldovan citizens and businesses within the country and the EU.

The situation in concerned modes of transport is different. Until now most work has been done in the road transport sector. Moldova is a party to the “ADR” – European Agreement concerning International Carriage of Dangerous Goods by Road, concluded at Geneva on 30 September 1957, as amended. A Law on Ratification of the ADR Agreement has been passed on 04.06.1998 (No.44-XIV). Government “Regulations on the transportation of dangerous goods on the territory of the Republic of Moldova” were approved on 28.05.2002 (No.672). ADR requirements are applied to an extent possible, but still there is a need for elaborating and implementing of procedures for certain types of cargoes (radioactive materials, certain chemicals, etc.). It looks evident that certain derogations might be necessary to fully comply with the Directive.

The Republic of Moldova is not a party to Convention concerning International Carriage by Rail (COTIF) Convention and is not applying provisions of “RID”- Regulations concerning the International Carriage of Dangerous Goods by Rail, appearing as Appendix C to the COTIF concluded at Vilnius on 3 June 1999, as amended. Being a contracting party of OSJD, Moldova in transportation of dangerous goods is applying provisions of Annex II to the Agreement on International Goods Transport by Rail (SMGS). There are national OSJD rules in the Republic of Moldova and based on those Moldovan Railways have elaborated and apply internal procedures in its daily practice. There is certain difference between the procedures applied in transportation of goods in traffic between the CIS and Baltic countries and the Republic of Moldova and non-CIS countries and Moldova, as CIS countries have their procedures agreed in a separate set of rules. The experience of the Baltic countries could serve as some kind of a road-map in applying of the international rules in transportation of dangerous goods by rail in Moldova.

Since December 2007 Republic of Moldova is a party to the “ADN”- European Agreement concerning the International carriage of dangerous Goods by Inland Waterways, concluded at Geneva on 26 May 2000, as amended. A Law on Ratification of the ADN Agreement has been passed on 21 December 2007 (No.296-XVI). There are no specific Government regulations and the Agreement is applied for international shipping directly. The ships flying under Moldovan flag are subject to inspections according ADN and these inspections are carried out by recognized Classification societies. The list of the respective Classification societies has been approved by the Government decree.

## **2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK**

An international expert will be contracted to consult and raise capacity of the Moldovan Ministry of Transport and Road Infrastructure by approximating with EU standards relevant national policies, legislation, institutional arrangements, procedures and best practices in the area of inland transport of dangerous goods. The expert will critically assess and report on current factual situation; develop a mission action plan, agreed with the beneficiary, for remedying the identified gaps; support MTRI in drafting and aligning Moldovan legislation and procedures with the relevant EU requirements; plan and organize a workshop with beneficiary for presenting the final mission report.

**For detailed information, please refer to Annex 1 – Terms of Reference.**

### **3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS**

#### Academic Qualification

- Master's degree in Law, EU Law or other relevant field. Bachelor and at least 10 years of experience would also be acceptable;

#### Experience

- Minimum 5 years of work experience in the area associated with implementing of procedures for the transport of dangerous goods; Specific experience in all three sectors (road, rail, inland waterways) would be an advantage;
- Experience in transposing of EU and international requirements in the area of transport of dangerous goods into national procedures;
- Knowledge of and experience in the region of Central and Eastern Europe (experience in countries with economies in transition and countries which are part of the OSJD Railway Agreement would be an asset);
- Similar experience in assisting government institutions within projects funded by international organizations (experience in implementing EU legislation on inland transport of dangerous goods would be an asset);

#### Competencies

- Qualification and/or proven skills in project coordination, credibility in dealings with governmental officials, excellent analytical and communication skills;

#### Language requirements

- Fluency in written and spoken English, knowledge of Romanian or Russian would be an asset.

### **4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS**

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. Proposal: explaining why they are the most suitable for the work;
2. Financial proposal;
3. Personal CV including past experience in similar projects and at least 3 references.

### **5. FINANCIAL PROPOSAL**

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in installments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals the financial proposal shall include a breakdown of this lump sum amount (including fee, taxes, travel, per diems, and number of anticipated working days).

#### **Travel**

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an

economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed.

Up to two travel missions are envisaged under this assignment, with a minimum 20 working days in Moldova.

## 6. EVALUATION

Initially, individual consultants will be short-listed based on the following minimum qualification criteria:

- Master's degree in Law, EU Law or other relevant field. Bachelor and at least 10 years of experience
- Minimum 5 years of work experience in the area associated with implementing of procedures for the transport of dangerous goods

The short-listed individual consultants will be further evaluated based on the following methodology:

### Cumulative analysis

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- a) responsive/compliant/acceptable, and
- b) having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

\* Technical Criteria weight – 60% (300 pts)

\* Financial Criteria weight – 40% (200 pts)

Only candidates obtaining a minimum of 210 points would be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
<b><u>Technical</u></b>		
Master's degree in Law, EU Law or other relevant field. Bachelor and at least 10 years of experience	Master's degree in Law, EU Law or other relevant field - 30 pts. Bachelor and at least 10 years of experience 25 pts	30
Minimum 5 years of work experience in the area associated with implementing of procedures for the transport of dangerous goods. Specific experience in all three sectors (road, rail, inland waterways) would be an advantage	5 years – up to 80 pts, >5 years – up to 110 pts, experience in all three sectors up to 130 pts	130
Experience in transposing of EU and international requirements in the area of transport of dangerous goods into national procedures	No – 0 pts, to some extent –30 pts, large up to 60 pts	60
Knowledge of and experience in the region of Central and Eastern Europe (experience in countries with economies in transition and countries which are part of the OSJD Railway Agreement would be an asset)	max 30 pts	30

Qualification and/or proven skills in project coordination, credibility in dealings with governmental officials, excellent analytical and communication skills;	max 30 pts	30
Fluency in written and spoken English, knowledge of Romanian or Russian would be an asset	English – 10 pts; Romanian 20 pts; Russian – 10 pts;	20
<b>Maximum Total Technical Scoring</b>		<b>300</b>
<b><u>Financial</u></b>		
Evaluation of submitted financial offers will be done based on the following formula: <b><math>S = F_{min} / F * 200</math></b> S – score received on financial evaluation; Fmin – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round; F – financial offer under consideration.		<b>200</b>

#### Winning candidate

The winning candidate will be the candidate, who has accumulated the highest aggregated score (technical scoring + financial scoring).

#### **ANNEXES:**

##### **ANNEX 1 – TERMS OF REFERENCES (TOR)**

##### **ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS**

#### **Important notice**

The applicant who has the statute of Government Official / Public Servant, prior to appointment will be asked to submit the following documentation:

- a no-objection letter in respect of the applicant received from the government, and;
- the applicant is certified in writing by the government to be on official leave without pay for the duration of the Individual Contract.

A retired government official is not considered in this case a government official, and as such, may be contracted.